

D5905625 A TRUE COPY

CITATION

EDWIN RAY JACOBS	TWENTY-SIXTH JUDICIAL DISTRICT
VS	PARISH OF BOSSIER
SAMS EATS INC	STATE OF LOUISIANA
DOCKET NUMBER: C-166707	

TO: SAMS EAST INC
 THROUGH ITS AGENT FOR SERVICE OF PROCESS: CT CORPORATION SYSTEM
 3867 PLAZA TOWER
 BATON ROUGE, LA
 70816

in the Parish of EAST BATON ROUGE.

You are hereby cited to comply with the demand contained in the petition, a certified copy of which accompanies this citation, or to file your answer or other pleading to said petition in the office of the Clerk of the 26th Judicial District Court in the Bossier Parish Court House in the Town of Benton in said Parish within twenty-one (21) days after the service hereof. Your failure to comply herewith will subject you to the penalty of entry of judgment against you.

The Sheriff or his deputy has just handed you a law suit which states why you are being sued. You (as defendant) will have twenty-one (21) days after you receive this petition to either file an answer (in writing) with the Bossier Parish Clerk of Court in Benton, Louisiana, or retain an attorney of your choice to act in your behalf. If you do nothing within the said time period, then a judgment could be rendered against you.

Attached hereto are:

PETITION
REQUEST

Witness the Honorable Judges of our said Court on this the 9TH DAY OF FEBRUARY, 2022

Jul M. Suttons, CLERK OF COURT

Zachary Cozine

Deputy Clerk

Attorney:
 JASON B NICHOLS
 318-222-2772

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ZG



Deputy Clerk





EDWIN RAY JACOBS
VERSUS
SAM'S EAST, INC.
PERMANENT ASSIGNMENT

* NUMBER:
* 26th JUDICIAL DISTRICT COURT
* BOSSIER PARISH, LOUISIANA
* SECTION:

PETITION

The petition of Edwin Ray Jacobs who resides and is domiciled in Haughton, Bossier Parish, Louisiana, respectfully represents:

1.

The following party, made defendant herein, is justly and legally indebted unto your petitioner, Edwin Ray Jacobs, for the full amounts which will be required to fix or make up for what cannot be fixed including the injuries, harms and losses he suffered and will continue into the future to suffer as the result of the fall described below and as are reasonable in the premises, together with legal interest thereon from date of judicial demand until paid, and for all costs of these proceedings, for the reasons and causes of action hereinafter stated:

Sam's East, Inc., a corporation authorized to do and doing business in the State of Louisiana, which may be served through its designated agent for service of process, CT Corporation System, 3867 Plaza Tower Drive, Baton Rouge, Louisiana 70816.

2.

At all times mentioned herein:

- (a) Edwin Ray Jacobs, an individual of the full age of majority, was a customer of Sam's East, Inc., doing business as Sam's Club, located at 2861 Beene Blvd., Bossier City, LA 71111, Bossier Parish, Louisiana; and
- (b) Sam's East, Inc. was doing business as Sam's Club located at 2861 Beene Blvd, Bossier City, LA 71111, Bossier Parish, Louisiana.



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3.

The injuries, harms, and losses, for which recovery is sought herein, resulted from an incident that occurred on or about March 9, 2021, at the premises located at 2861 Beene Blvd, Bossier City, LA 71111, Bossier Parish, Louisiana.

4.

At the time and place and under the circumstances aforesaid, your petitioner, Edwin Ray Jacobs, purchased a grill in a large box, and requested help to move the item to his vehicle. Mr. Jacobs requested two employees to help him. Sam's Club instructed one employee to help Mr. Jacobs and informed him that that was all the help Sam's Club would provide. The Sam's Club employee proceeded to push the box into Mr. Jacobs, knocking him to the ground, resulting in the injuries, harms, and losses complained of herein.

5.

Petitioner, Edwin Ray Jacobs, did not cause or contribute to the cause of this incident in any way.

6.

The nature of the incident and the size of the grill box were such that defendant knew or should have known to take steps to secure the grill box and confirm it was securely placed on the cart without pushing it or releasing the grill box toward Mr. Jacobs, but that defendant failed to exercise reasonable care, creating the hazard, and causing the injuries, harms, and losses set forth herein.

7.

Petitioner herein shows that the resulting injuries, harms, and losses were caused by the fault and negligence of Sam's East, Inc. and its employee(s) in the following non-exclusive particulars:

- (a) Maintaining the premises in an unsafe and hazardous condition, i.e., proper control of handling heavy products;

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EDWIN RAY JACOBS
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- (b) Improperly training, supervising, hiring, firing, and retaining its employees;
- (c) Failure to train proper safety procedures;
- (d) Failure to properly load the grill;
- (e) Failure to secure assistance of other employees to help with the grill;
- (e) Failure to institute, announce and enforce adequate policies and procedures to assist customers in the purchase of heavy products; and
- (f) For other acts and omissions to be shown at trial hereof.

8.

If it is shown that the fault and negligence, of any person(s) other than Sam's East, Inc. contributed to the fall described herein, petitioner shows that the fault and negligence of Sam's East, Inc. also contributed to and was the proximate cause of the said fall.

9.

As a result of the fall, Edwin Ray Jacobs suffered pain, mental anguish and distress as a result of the injuries he sustained in said fall, including, but not limited to neck pain, back pain, hip pain and head injury.

10.

Petitioner, Edwin Ray Jacobs, has sustained such harms and losses as are reasonable in the premises, including, but not to limited to past and future medical expenses, medical report charges, loss of enjoyment of life, past, present and future pain and suffering, and past, present and future mental anguish and distress, as a result of the above-described fall.

11.

Petitioner shows that it will be necessary to call expert witnesses at the trial of this matter, and that the fees of such witnesses should be set by the Court and should be taxed as costs of this suit against defendant.

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12.

The amount required to restore plaintiff will be more than \$50,000.00, the jurisdictional amount required for trial by jury.

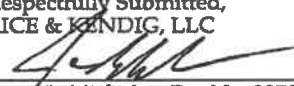
WHEREFORE, PETITIONER PRAYS that defendant, Sam's East, Inc. be duly cited to appear and answer this petition, and that it be served with a copy hereof;

That after necessary legal delays and due proceedings had, there would be judgment therein in favor of petitioner, Edwin Ray Jacobs, and against the defendant, Sam's East, Inc. for the amount of money required to fix what can be fixed and make up for the injuries, harms and losses which cannot be fixed as is reasonable in the premises, including but not limited to past and future medical expenses, medical report charges, loss of enjoyment of life, past, present and future pain and suffering, and past, present and future mental anguish and distress, with legal interest thereon from date of judicial demand until paid and for all costs of these proceedings;

That the fees of expert witnesses be set by the court and taxed as costs of this suit against defendant; and

For all costs of this suit, and for full, general and equitable relief for all orders and decrees necessary and proper in the premises.

Respectfully Submitted,
RICE & KENDIG, LLC


Jason B. Nichols - Bar No. 28704
William F. Kendig - Bar No. 17644
J. Marshall Rice - Bar No. 28980
1030 Kings Highway
Shreveport, Louisiana 71104
Telephone: (318) 222-2772
Facsimile: (318) 222-2770
Email: jnichols@ricekendig.com
ATTORNEYS FOR PETITIONER

PLEASE SERVE:
Sam's East, Inc.
Through its agent for service of process:
CT Corporation System
3867 Plaza Tower
Baton Rouge, Louisiana 70816

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EDWIN RAY JACOBS
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Filed Feb 09, 2022 11:16 AM E
Sarah Shehane
Deputy Clerk of Court

EDWIN RAY JACOBS
VERSUS
SAM'S EAST, INC.
PERMANENT ASSIGNMENT:

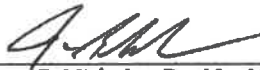
* NUMBER:
* FIRST JUDICIAL DISTRICT COURT
* CADDO PARISH, LOUISIANA
* SECTION

**WRITTEN REQUEST FOR NOTICE OF TRIAL
AND OF JUDGMENT**

NOW INTO COURT, comes plaintiff, through undersigned counsel, and requests that she be given ten days notice of the date of trial of the above cause by the Clerk of Court of the above court pursuant to Article 1572 of the Louisiana Code Of Civil Procedure and requests written notice of all final judgments and interlocutory judgments pursuant to Articles 1913 and 1914 of the Louisiana Code of Civil Procedure in regards to all hearings held in the captioned matter.

Respectfully Submitted,

RICE & KENDIG, LLC



Jason B. Nichols - Bar No. 28704
1030 Kings Highway
Shreveport, Louisiana 71104
Telephone: (318) 222-2772
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ATTORNEYS FOR PETITIONER

PETITION OF
EDWIN RAY JACOBS
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